

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend Subsections and Sections 105(c), 105.1, 106, 107, 110(b), 112(b)(5), 116(a)(1), 119(b),
120.2(a)(2) and (g), 120.3(b), 120.6(c) and (g), 120.7(e)(1) and (f), 122(r)(1), 123(b) and (c),
124.1(b), 126(a)(1)(A)e. and (a)(2), 147(a)(2), 147(a)(3)(E)5.a. and 147(a)(3)(E)6., 149.1(g), (i)
and (l)(1), 150(j) and (n), 150.02(d) and (g)(2), 150.3(g) and (i)(1) and (2), 150.05(g) and (i),
180.3(g) and (n)(2) through (4), 180.15(b), 700.4 and 705, and
Add Section 700.3 Title 14, California Code of Regulations (CCR)
Re: Identification Required for Licenses Issued in ALDS, Telephone Number Required for Sport
Anglers, and Commercial Fishing Applications and Fees

- I. Date of Initial Statement of Reasons: February 1, 2010
- II. Date of Final Statement of Reasons August 20, 2010
- III. Dates and Locations of Scheduled Hearings:
- (a) Notice Hearing: Date: April 8, 2010
Location: Monterey, CA
- (b) Discussion/adoption Hearings: Date: June 24, 2010
Location: Folsom, CA

IV. Update:

No modifications were made to the originally proposed language of the Initial Statement of Reasons.

V. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting those considerations:

No public comments, written or oral, were received during the public comment period.

VI. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:
California Fish and Game Commission
1416 Ninth Street
Sacramento, California 95814

VII. Location of Department files:

Department of Fish and Game
1416 Ninth Street
Sacramento, California 95814

VIII. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Identification Required to Obtain License, Permit, Tag, or Entitlement in ALDS

There is no reasonable alternative to the proposed action. If regulations are not adopted to specify acceptable forms of identification for license purchases, then the Department will not have accurate licensee data for fish and wildlife management, law enforcement and administrative functions under the ALDS.

2. Telephone Number Required to Obtain Sport Fishing Licenses

There is no reasonable alternative to the proposed action. If the Department is unable to collect telephone numbers of sport fishing licensees, then the Department may be unable to meet the requirements for exemption from the National Saltwater Angler Registry. As a consequence, California anglers who fish in marine or estuarine waters will be required to register with the federal government and pay \$15-\$25 registration fee annually to the federal government, in addition to the annual Department license fees.

3. Fees and Applications for Commercial Fishing Items

There is no reasonable alternative to the proposed action. Existing regulations would not comply with the provisions of Section 713 of the Fish and Game Code that allow the Department to adjust the fees to compensate for increases in annual costs of goods and services.

4. Administrative Requirements for Commercial Fishing Permits

There is no reasonable alternative to the proposed action. Existing regulations would not comply with the provisions in the Fish and Game Code.

(b) No Change Alternative:

1. Identification Requirements to obtain Sport Fishing and Hunting Licenses

If this change is not made, the Department will not have accurate licensee data for wildlife management, law enforcement and administrative functions under the ALDS. One of the chief benefits of ALDS is an accurate electronic database.

2. Telephone Number Requirement to obtain Sport Fishing Licenses

The Department will need to use expensive survey methods to meet the requirements for exemption from the National Saltwater Angler Registry. If the Department cannot meet the registry requirements, then California anglers who fish in marine or estuarine waters will be required to register with the federal government and pay \$15-\$25 registration fee annually to the federal government, in addition to the Department license fees.

3. Fees and Applications for Commercial Fishing Items

Under the no change alternative, fees and applications for commercial fishing permits would be scattered in various sections of Title 14 and regulations would not be in compliance with Fish and Game Code Section 713.

4. Administrative Requirements for Commercial Fishing Permits

A no change alternative would mean existing regulations would not comply with the provisions in the Fish and Game Code.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective as and less burdensome to the affected private persons than the proposed regulation.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action specifies the identification required to purchase a license from the Department and adds the requirement that anglers must provide a telephone number to purchase a sport fishing license. These proposals are economically neutral to business.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None.

- (h) Effect on Housing Costs:

None.

UPDATED INFORMATIVE DIGEST (Policy Statement Overview)

The Department will begin implementing an Automated License Data System (ALDS) in August 2010. Existing regulations specify customer information that must be collected at the time a license is purchased. This proposal would require the first time a customer applies for a license or other entitlement in ALDS, to provide an acceptable form of identification to ensure that customers are uniquely identified.

Additionally, under this proposal anglers would be required to provide their telephone number before a sport fishing license could be issued. Collection of a telephone number will allow California to conform with a federal mandate for purposes of establishing a National Saltwater Angler Registry. This will relieve California anglers of paying an additional fee each year to the federal government.

Editorial relocation of Section 705 to 700.3 is proposed to group sections affecting ALDS consecutively in regulation.

This proposal would consolidate the fees and applications for commercial fishing permits specified in regulation into one section. This would streamline the process to adjust the fees as allowed under the Fish and Game Code.

Other administrative changes affecting commercial fishing permits are proposed to comply with the Fish and Game Code; this includes incorporating by reference permits and fees that have been required for specific commercial fisheries, but the permits and fees have not previously been referenced in Title 14. Other updates and minor editorial changes are also proposed to improve the clarity and consistency of the regulations.

At the June 24, 2010 Commission meeting, the Commission voted to adopt the proposed regulations establishing a transfer fee of \$1,000.00, within the noticed range for southern rock crab trap permit of \$200 - \$2,000. An additional 15 day public notice, pursuant to Government Code Section 11347.1 was mailed on July 20, 2010 providing the Rock Crab Permit Transfer Fee Cost Worksheet to all Interested and Affected parties. No comments were received.

Minor editorial changes were made to clarify the regulations, such as inserting the indication of “[text]” before subsection 700.4(b).